



Entered on Docket  
October 27, 2009

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC.<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC.<sup>2</sup>

USA SECURITIES, LLC.<sup>3</sup>

Debtors.

**Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST OMNIBUS OBJECTION OF USACM LIQUIDATING TRUST TO DOUBLE COUNTED CLAIMS**

Hearing Date: October 19, 2009  
Hearing Time: 3:00 p.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1       The Court having considered the “First Omnibus Objection of USACM Liquidating  
2 Trust to Double Counted Claims; and Certificate of Service” [DE 7493] (the “Objection”);  
3 the Court having heard the Objection on October 19, 2009; appropriate notice of the  
4 Objection having been given; no response to the Objection having been filed; and good  
5 cause appearing:

6       **IT IS ORDERED** that:

- 7       1.      The Objection [DE 7493] is sustained; and  
8       2.      The claims listed on **Exhibit A** are disallowed in the amounts shown there.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (018024)

12       Rob Charles  
13       John Hinderaker (*pro hac vice*)  
14       3993 Howard Hughes Parkway, Ste. 600  
15       Las Vegas, Nevada 89169-5996  
16       Telephone: (702) 949-8320  
17       Facsimile: (702) 949-8321

18       *Attorneys for USACM Liquidating Trust*

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1 In accordance with Local Rule 9021, the undersigned certifies:

- 2       The Court waived the requirements of LR 9021.
- 3       No parties appeared or filed written objections, and there is no trustee appointed  
4                  in this case.
- 5       I have delivered a copy of this proposed order to all counsel who appeared at the  
6                  hearing, any unrepresented parties who appeared at the hearing, and any trustee  
7                  appointed in this case, and each has approved or disapproved the order, or failed  
                to respond, as indicated below (list each party and whether the party has  
                approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14                  ####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

18 By: /s/ JH (#018024)

19                  Rob Charles  
20                  John Hinderaker (*pro hac vice*)  
21                  Attorneys for USACM Liquidating Trust

USACM

**Exhibit A**  
**Proofs of Claim Asserting Duplicate Amounts**

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
2001 MICHAEL T MCGRATH REVOC TR DTD 12/11/01	MICHAEL T MCGRATH TTEE 66 SCHANDA DR NEWMARKET NH 03857-2151	10725-02289	537,321.46	268,660.73
AIG LIMITED A NEVADA LIMITED PARTNERSHIP	9904 VILLA GRANITO LN GRANITE BAY CA 95746-6481	10725-01903	813,297.52	406,648.76
AL-AWAR LIVING TRUST DTD 4/05/01	ADIB M & ELLEN A AL-AWAR TTEES 1330 BURRO CT GARDNERVILLE NV 89410	10725-02366	3,615,913.62	1,807,956.81
ALLEN M & DOROTHY H NIRENSTEIN 1992 REV TRUST	DTD 3/4/92 ALLEN & DOROTHY NIRENSTEIN TTEES 403 WOODLAND RD KENTFIELD CA 94904-2635	10725-02414	101,180.56	50,590.28
ALLEN M & DOROTHY H NIRENSTEIN 1992 REV TRUST	DTD 3/4/92 ALLEN & DOROTHY NIRENSTEIN TTEES 403 WOODLAND RD KENTFIELD CA 94904-2635	10725-02413	204,305.56	102,152.78
ALLEN M & DOROTHY H NIRENSTEIN 1992 REV TRUST	DTD 3/4/92 ALLEN & DOROTHY NIRENSTEIN TTEES 403 WOODLAND RD KENTFIELD CA 94904-2635	10725-02411	805,639.26	402,819.63
ALVES FAMILY TRUST DTD 10/27/89	ARNOLD R & AGNES J ALVES TTEES 9904 VILLA GRANITO LN GRANITE BAY CA 95746-6481	10725-01904	303,616.62	151,808.31
ANDERSON FMLY TRUST DTD 7/21/92	GARY B & BARBARA L ANDERSON TTEE PO BOX 699 CARNELIAN BAY CA 96104	10725-02301	1,000,000.00	500,000.00
ANN E BRANT SURVIVORS TRUST DTD 5/22/87	C/O RAYMOND F BRANT TRUSTEE PO BOX 728 DIABLO CA 94528	10725-02066	202,886.16	101,443.08
APIGIAN JT TEN, LARRY & LEONA	172 WOODLAND RD GOLDENDALE WA 98620	10725-01962	356,300.72	178,150.36